

**Notice of Allowability**

Application No.

09/672,305

Examiner

Matthew s Gart

Applicant(s)

SUNDARESAN, NEELAKANTAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amendment (2/04/2005) and Amendment (10/25/2004).
2. ☒ The allowed claim(s) is/are 1-5, 7-9, 26-28 and 30-34.
3. ☒ The drawings filed on 01 December 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. §.119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 2/4/5.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Jeffrey A. Smith  
Primary Examiner

### **DETAILED ACTION**

Claims 1-5, 7-9 and 26-34 are pending in the instant application.

#### **Continued Examination Under 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/25/2004 has been entered.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John J. Dresch on February 4, 2005.

The application has been amended as follows:

#### **In The Claims**

Claim 27 has been amended to read

27. A signal-bearing computer-readable medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a method of conducting electronic commerce, said method comprising:

browsing, by a user, for an item at an electronic store (e-Store) over an electronic medium;

automatically recognizing, without human intervention, that the user is lost in attempting to find said item; and

interactively querying, at any time during a session, of said user whether the user needs help in finding said item,

wherein said automatically recognizing comprises:

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considering a history of the browser based on a query entered in said  
browsing by a user;  
determining, based on said history and said query, whether an automated  
help resource is necessary;  
determining, based on said history and said query, whether a human help  
resource is necessary; and  
routing said user to at least one of said automated help resource and said  
human help resource, to help said user.

#### **In The Specification**

Page 7, line 17 has been amended to read:

"Figure 2 illustrates the shopping assistant in greater detail including a user-lost detector  
102A..."

#### **In The Title**

The Title has been amended to read:

~~SYSTEM AND METHOD, SYSTEM, AND COMPUTER-READABLE MEDIUM FOR AN~~  
ELECTRONIC STORE ASSISTANT

### **Reasons For Allowance**

The following is an examiner's statement of reasons for allowance:

Independent claims 1, 26, 27, 28 and 31 explicitly recite automatically recognizing, without human intervention, that the user is lost in attempting to find an item.

It is observed that NetRep neither anticipates nor fairly and reasonably teaches recognizing, without human intervention, that the user is lost in attempting to find an item. Additionally NetRep teaches away from this teaching. NetRep discloses a method in which a human monitors the activity of users on web pages and then contacts the user to assist the customer visiting the web site with their shopping. NetRep teaches that the user is recognized as a regular shopper, remembers what this customer has previously purchased and knows how long the shopper usually spend on the web site. The human representatives (i.e. "NetReps") have access to databases of previous customer navigation and buying patterns.

Independent claims 1, 26, 27, 28 and 31 explicitly recite determining based on a history of the browser whether an automated help resource is necessary, determining based on a history of the browser whether an human help resource is necessary, and routing said user to at least one of said automated help resource and said human help resource, to help said user.

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It is observed that NetRep neither anticipated not fairly and reasonable teaches determining based on a history of the browser whether an automated help resource is necessary, determining based on a history of the browser whether an human help resource is necessary, and routing said user to at least one of said automated help resource and said human help resource, to help said user. Additional NetRep teaches away from this teaching. NetRep lets human helpers hover unseen in the background of a user's shopping session, able to get in contact with Web shoppers. NetRep only provides a human help resource.

It is observed that none of the references of record, either alone or in combination with any other reference of record teach recognizing, without human intervention, that the user is lost in attempting to find an item, and determining based on a history of the browser whether an automated help resource is necessary, determining based on a history of the browser whether an human help resource is necessary, and routing said user to at least one of said automated help resource and said human help resource, to help said user.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

International Publication Number WO 97/490030, 17 June 1996, disclose an online computer support system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

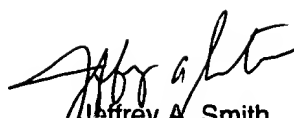
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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MSG

Patent Examiner

February 4, 2005



Jeffrey A. Smith  
Primary Examiner